

# **EXHIBIT 4**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

The Woodlands Pride, Inc.; Abilene Pride  
Alliance; Extragrams, LLC; 360 Queen  
Entertainment LLC; Brigitte Bandit,

Plaintiffs,

v.

Civil Action No. 4:23-cv-02847

Angela Colmenero, in an official capacity as  
Interim Attorney General of Texas; The  
Woodlands Township; Montgomery County,  
Texas; Brett Ligon, in an official capacity as  
District Attorney of Montgomery County;  
City of Abilene, Texas; Taylor County,  
Texas; James Hicks, in an official capacity as  
District Attorney of Taylor County; Delia  
Garza, in an official capacity as County  
Attorney of Travis County; Joe D. Gonzalez,  
in an official capacity as District Attorney of  
Bexar County,

Defendants.

**DECLARATION OF KERRY LYNN SIEFF**

Pursuant to 28 U.S.C. § 1746, Kerry Lynn Sieff declares:

1. My name is Kerry Lynn Sieff. I am over twenty-one (21) years of age and am  
fully competent to testify about the matters contained herein. The following statements are made  
within my personal knowledge and are true and correct.

2. I am the Founder and Creative Services Director of Extragrams.

3. Extragrams was founded in 2020. It is a woman-owned drag entertainment and delivery service based in Austin, Texas. Extragrams was founded during the COVID-19 pandemic as a way for drag performers to share their art with the public in the safest way possible, including through door-to-door deliveries and pop-up performances. Our goals include providing customers with amazing, personalized, professional, high-end, and live entertainment; providing a working platform for performers by offering fair compensation; and giving back to the community.

4. Extragrams is a bridge between drag performers and customers. It works by connecting drag performers, who are independent contractors, with customers seeking entertainment for birthday parties, corporate events, festivals, fundraisers, weddings, university orientations, bachelorette parties, and more. Many of these events occur in public spaces and are open to all ages, with children and families often in attendance.

5. Extragrams employs a variety of drag performers for many different types of events. A drag performer is a person who uses acting, dancing, and costuming as a way to exaggerate masculine and feminine characteristics. Typically, a “drag queen” is a performer who exaggerates or simulates feminine characteristics, and a “drag king” is a performer who exaggerates or simulates masculine characteristics. However, the art form is varied and diverse, and many performers express multiple kinds of gender characteristics. Many events feature one or more drag performers dancing and lip-syncing to a popular song for an audience at a party, restaurant, festival, or corporate event. Some of these performers impersonate famous singers like Dolly Parton, Beyonce, Cher, and Freddy Mercury. Some of our performers host bingo events, during which they dance, call rounds of Bingo, and interact with the audience while

dressed in drag. In other cases, our drag performers are called to weddings, where they serve as officiants, emcee the receptions, or perform dance routines during a “dance floor takeover” or a full-length reception show. Extragrams has facilitated about 1,000 drag events since its founding.

6. I, as the Creative Services Director of Extragrams, retain creative control over the performances of our drag artists and often approve their costumes, songs, and routines.

7. Extragrams’ drag performers have already faced increased harassment and threats as SB 12 was debated and passed by the legislature. For example, in March of 2023, one of Extragrams’ regular drag performers performed at an all-ages show, which inflamed the anti-drag community. Some of these extremists followed the performer to an event and vandalized and nearly destroyed the performer’s car that was parked outside. Further, anti-drag agitators disclosed the personal information of three Extragrams’ performers online and accused them of being “groomers,” which put their personal safety at risk.

8. Due to these hostilities, Extragrams has had to take costly security measures to keep our performers out of harm’s way. I, or one of my employees, now accompany all our drag performers to all of their events. We are also forced to turn down business opportunities that may be unsafe for performers in this hostile climate. For example, we no longer accept contracts for most nighttime events outside of the more welcoming and safe areas of Austin. In recent months, we have also turned down numerous offers to send our drag performers to certain spaces, like warehouses, car dealerships, and some other public spaces, for fear that people might be present who were hostile to our performers and risked creating an unsafe environment. Finally, to avoid public harassment and threats, Extragrams has started to self-censor our own speech and advertising. We have limited our use of the terms “family friendly” and “all ages” in our

advertising—not because we no longer believe our performances are appropriate for all ages—but because anti-drag protestors frequently target drag performances with those descriptions.

9. Our customers have also started taking extra security precautions. At least two churches that have hosted recent events featuring Extragrams performers have had to provide increased security for those events. One even hired a private security firm.

10. Additionally, in March, May, June, September, and October of 2022, radio station KUTX hired Extragrams drag performers for its Rock the Park festival. Our performers were very well received by the event attendees. However, in December 2022, KUTX told me that they could not hire our performers for any additional Rock the Park events because they did not feel they could provide adequate security to protect our performers amid heightened anti-drag protests.

11. I fear that many commonplace features of Extragrams’ drag performances could be prohibited by SB 12 and that this law directly targets and impacts our business.

12. I am aware that SB 12 has been promoted by lawmakers, including the bill’s author, as a “drag ban.” Governor Abbott even commented that it was a “Law Banning Drag Performances in Public.” I fear that these statements and the enforcement of SB 12 will lead to enforcement against me and Extragrams while stigmatizing all drag performances. This stigma will put Extragrams’ drag performers at an increased risk of threats and harassment and could reduce the number of drag performers and customers willing to do business with us. I also fear that lawmakers’ comments on SB 12 will result in the law being discriminatorily and unequally enforced against drag performers by government officials.

13. Extragrams’ drag performers wear clothing and accessories that “exaggerate male or female sexual characteristics,” such as wigs, makeup, high heels, dresses, body padding,

pantyhose, false eyelashes, fake fingernails, waist cinchers and corsets, push-up bras, breast plates, and crotch packers, which simulate or enhance a pubic “bulge.”

14. Extragrams drag performers also shimmy, shake and thrust their hips and butts, touch their own bodies, do the splits, and blow kisses during some of their performances, which could be interpreted as “sexual gesticulations” or “representation[s] [of] . . . simulated . . . sexual acts” under the Drag Ban’s vague and broad provisions. I believe that many of our performances are appropriate for audiences of all ages. But I cannot control or predict what others view as “sexual” and fear that Extragrams’ performances would be targeted by SB 12.

15. Further, my performers sometimes dance with or hug other performers or audience members, which sometimes results in a performer briefly touching or brushing up against the other person’s chest or butt. Occasionally, my drag performers even sit on a consenting audience member’s lap or lead a conga-line, in which every person in the line is touching each other’s hips. I fear that such actions would fall under SB 12’s definition of “sexual conduct,” in that they are examples of “actual . . . or simulated contact occurring between one person and the buttocks, breast, or any part of the genitals of another person.”

16. Our drag king performers often wear a prosthetic bulge, sometimes called a “packer,” under their pants, which enhances or simulates the presence of a penis. I fear that some would accuse these performers of “the exhibition or representation, actual or simulated, of male or female genitals in a lewd state.” Although I would disagree that such accessories are “lewd,” some people, including public officials, could make that accusation since the term is undefined by the Drag Ban and is therefore open to subjective interpretation. Because the term “genitals” is not defined, I also worry that some of our drag performers who wear prosthetic breasts could also be targeted by this provision.

17. I also fear that any of these aspects of my performances could be accused of “appeal[ing] to the prurient interest in sex.” Because this term is undefined, and because law makers and anti-LGBTQIA+ protestors have recently accused drag performances of being “sexually explicit” and a way to “sexualize children,” I worry that some people, including potentially state and local officials, will view any drag performance as “prurient,” even though I would not categorize any of my drag performances in that way.

18. Finally, because the term “nude” is so broadly defined, I worry that one of our performers could be accused of being “nude” simply by revealing any portion of a breast or buttocks or having a momentary and accidental wardrobe malfunction. Although none of our performers are “nude” under my view of that term, I still fear that we could be targeted by that vague and sweeping provision, and every aspect of SB 12.

19. Because of SB 12’s vagueness and uncertainty, I will not be able to correctly advise Extragrams’ drag performers about how to comply with the law, leaving them vulnerable to harsh criminal penalties if a law enforcement official accuses them of giving a “sexually oriented performance.” Because I book, coordinate, and creatively-direct my performers’ shows, I am worried that I could also face criminal penalties for aiding and abetting those performances.

20. This concern is worsened because SB 12 doesn’t even require that I know if someone under 18 attends a show. Extragrams does not ask if minors will be present at the events our drag performers attend. And it would be impossible to know for sure whether a minor may be present, even if we asked. For instance, there may be minors on the venue staff, or that sneak into the venue, or that happen to catch a glimpse of the show from the outside. Under SB 12, Extragrams, myself, and my performers could face criminal penalties whether we knew or intended for a minor to view a performance.

21. I also worry that private venues that would have typically hosted Extragrams drag performers—such as hotels, restaurants, wedding venues, ballrooms, and corporate offices—will no longer book or allow drag performances on their premises, for fear of incurring SB 12’s civil penalties. I also fear that because I control and produce the content of Extragrams’ performances, I could also be targeted for Texas Attorney General enforcement action. Any form of civil penalty or investigation will have a substantial impact on Extragrams’ revenue.

22. Further, I fear that municipalities and counties will no longer allow events featuring our drag performers on public property after SB 12 takes effect. Historically, our performers have been booked for many events on public property, like parades, parties in the park, and music festivals. This will also reduce our revenue and irreparably tarnish our reputation if we are effectively banned from performing on public property.

23. Extragrams has already lost business because of SB 12 and the surrounding anti-drag sentiment, harassment, and threats. Extragrams has provided performers for the University of Texas at Austin’s freshman orientation for the past two years and had already agreed, and received a purchase order, to provide performers for this year’s orientation. But on the day of our first scheduled performance this year—which was also the day after SB 12 was sent to the Governor for signature—the University retracted its purchase order for the event. The University paid Extragrams for that day’s work but did not pay for the next six scheduled events, which resulted in our company losing \$8,400 in revenue.

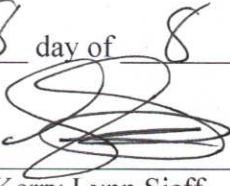
24. Extragrams’ customers are also already facing heightened burdens due to SB 12 and security concerns from related anti-drag sentiment. The University of Texas has previously hired our performers to participate in a “drag lab” workshop, in which they teach students the history of drag, LGBTQIA+ history and events, and makeup application techniques, among other

topics. This year, the planning and approval process for the upcoming event has been burdensome and complicated. The Student Engagement Coordinator who is planning the event told me that that our performers' participation in the workshop has to be cleared by the University's legal department this year, which was not required in previous years. He also told me that the University is considering expending significant resources to ensure the safety of our performers and compliance with SB 12. For example, the University is considering ways to ensure that the lab is only available to students that are 18 years old and above and that no unauthorized people would be able to enter the lecture hall. There have also been discussions about covering the lecture hall windows, to prevent outsiders from seeing the drag performers and for the safety of the performers. Even with these extreme, costly, and burdensome measures, we still do not know if we can fully comply with SB 12 because someone could accuse our event of being held on "public property." Even if we do everything we can to try to comply with the law, the Drag Ban still threatens our business, freedom of expression, and the academic freedom of students and faculty who want to learn about drag artistry, just as they learn about other types of theatrical and dramatic performances.

25. Extragrams intends to continue providing drag performers and facilitating drag performances for its customers in Texas in the future. We even have at least four performances scheduled during the month of September that will almost certainly take place in front of all-ages audiences, including at weddings, birthday parties, and a Drag Queen Story Time. But we fear that if the Drag Ban takes effect, it will subject Extragrams' performers to criminal liability for performing in public or in places where people under the age of 18 may be present, that Extragrams itself could be subject to liability for aiding and abetting, and that we will be forced to restrict our expressive activity.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this the 8 day of 8, 2023.

  
Kerry Lynn Sieff